

#E1-781
RJA*The Medina County Environmental Action Association, Inc.*

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April 18, 2004

Ms. Victoria Rutson
Chief
Section on Environmental Analysis
Surface Transportation Board
1925 K Street, NW
Washington, DC 20402-0001

received
4/22/04

FD 34284

Re: STB Docket 34284

Dear Ms. Rutson:

This letter is a rebuttal to Southwest Gulf Railroad's letter of April 5, 2004. SGR's letter responded to comments made by MCEAA and its legal representation concerning the need for connected action status for the proposed quarry and railroad and their adverse impacts on the environment. Since SGR has seen fit to challenge some of these comments and thus mislead the STB, we feel we must again respond. We trust the STB will, when given all the facts and appropriate data, make a proper and just decision concerning the obvious connected action of the proposed projects. These projects when appropriately studied will be found to be dependent on each other to such a degree that they would not and could not exist without the other for many practical and fundamentally sound financial reasons. These reasons will be discussed in farther detail in Section C.

For clarity's sake MCEAA will follow the same order as used by SGR in its rebuttal.

A. Issues concerning design or bridges/flooding concerns

As a beginning observation it is noted that now SGR has omitted the adjective trestle to define the type of bridges it says can be designed to safely cross streams in the rail line. This may be an oversight on their part, or it may represent the belated realization that span type bridges are the only conceivable type of structure that would afford safe, practical crossing of the Cherry Creek and Quihi Creek flood plains. In an effort to "look good" to the STB, seven tasks are then listed with HDR and "experienced railroad engineering firm" supplied to SGR in consultation. Does this mean this firm will do the projected bridge building? SGR does not say. What is a fact is this. Task #2 coordination with the Medina county Flood Plain Administrator has occurred only once, that being in July 2003. Two subsequent e-mail messages have been sent by the flood plain administrator. The only bridge design submitted thus far is the "standard U. P. Trestle-type Bridge. Also contact with the Corps. Of Engineers was not initiated by Vulcan or SGR but by MCEAA. The only contact thus far is to send instruction on how to obtain a NW Permit 14 to SGR. In reference to task 3, Vulcan has known

for over five years the proposed quarry's location and the streams (Elm and Pole Cat Creeks) whose flow will have to be diverted, yet it is only *now* SGR will "delineate their over all water shed."

In task 6, many factors are discussed including proposed bridge analysis and other "proposed structures" that "may" impact the flood plain and the water shed. This "sounds good" but many other factors are then "added in"; minimum bridge openings, culvert locations and size, bridge lengths and chord heights, bank stabilization and scour protection. Will SGR clean out the entire flood plains above and below their bridges and keep them clean of vegetation and debris for fifty years so that they will not become materials for plugging culverts and trestle bridges. If so, will they cut and burn, use herbicides or a combination of control measures to accomplish this task? How will SGR obtain the rights to do this on properties they do not own? The final paragraph of this section deserves special attention by STB. SGR graciously offers to accept as a condition or requirement, prior to construction, to undertake appropriate modeling and design efforts with respect to the alignment for the line that it is authorized to construct in order to address stream crossing issues. The above condescending attitude must be very humbling for someone who has thus far been so arrogant which is exactly the way Vulcan and it wholly owned subsidiary SGR have acted.

Again, MCEAA brings forth the question of why an alternative route that avoids flood plain issues, defacement and detracting of historic and archeological treasures; one that would cause fewer traffic and road crossing problems and has in the past proven to be feasible, would be rejected by Vulcan and SGR. The only explanation given is "the old Galveston-Harrisburg-San Antonio Railroad doesn't go where we want to go and is too long." This is partially true in that the route used would have to have some modifications, but even with these alterations, the route would not exceed the existing road distance from the proposed quarry which is 10.5 miles. This alternative route is much more feasible, economical and practical than SGR admits and must be researched by the STB. This alternative route outline was discussed, and on site tour was made with the Medina County Flood Plain Administration on April 13, 2004. It was his opinion that this alternative presented far fewer flooding problems than the SGT proposed or other three alternative routes. MCEAA plans to consult with the Corps of Engineers in regard to this alternative route.

B. Impact of the SGR on Local Groundwater

Here again, SGR is misleading the STB. MCEAA has reviewed several maps of the southern extent of the Edwards Aquifer Recharge Zone, in the region of the southern part of the quarry and SGR rail loop along CR 353. According to maps supplied by SGR, the location of the fuel storage and maintenance area it borders on the southern side of CR 353. This area is over the recharge zone for a distance of 688 feet at it greatest extent. Vulcan is aware of this fact, or should be, for we have reported it previously, on two occasions, yet they continue to say that the railroad except for its northern most loop as well as its straight trail loading area as well as the fuel storage area is not on the recharge zone. Could the explanation for this wishful thinking be based on the fact that the Edwards Aquifer Authority does not allow any fuel storage, above ground or below ground, with or without double containment, over the recharge zone? We do not know for sure, but the answer is probably yes.

Another half truth submitted by SGR is that most of the people in the area receive their potable water from a local water company. This is not the case, however, for those people living around all sides of the quarry who are totally dependent on their Edwards wells. We have asked Vulcan in the past about damage to these wells caused by quarrying, a connected action to the railroad. Their reply was a terse "suc us if you think you can prove we damaged your well." Vulcan tends to rely on the statement in this section that wells can be impacted more significantly by a variety of other factors unrelated to the rail line. Certainly blasting in the quarry will take its toll on these wells and have a greater effect on wells than its railroad. We have verified this with citizens of Tehuacana, Texas where a Vulcan owned quarry disrupted the town's source of water

supply it had enjoyed since its founding and caused them to have to lay a pipeline ten miles long to Mexia, Texas at their own expense to get water.

C. Roadway upgrades associated with Rail—No Build Alternative

MCEAA offers this observation. It is interesting that SGR ~~now~~ has inserted the word "Rail" in the No Build Alternative. Question: Does this mean that Vulcan now acknowledges that the No Build Alternative means No Quarry—No Railroad? The real meaning of the no-build comparison is not to build either the railroad or the quarry.

This section is proof positive that from the outset, the proposed quarry and proposed railroad were planned together from every conceivable practical and profitable standpoint. MCEAA quotes Tom Ransdale, President of Vulcan, Southwest Division, "the quarry and railroad must exist together. If there is no railroad, there will be no quarry." MCEAA believed Mr. Ransdale when he made these statements in a public meeting with MCEAA members and we have no reason to doubt the truth of those statements today.

Now let us do some analysis of why these statements are true, contrary to SGR attorneys statement that the quarry could exist without a railroad. Using Vulcan's own data, 85 to 90% of the material to be produced from this 1760 acre quarry over the next fifty years will not be used locally, but would be shipped to the Texas Gulf Coast after connecting with the Union Pacific line at Dunlay, Texas. This would require 850 loaded trucks making round trips each day if the rail line were not built.

For the following reasons this is not only impossible but impractical and unprofitable:

1. A truck would have to be loaded every 34 seconds at the quarry and then unloaded at the rail line

at Dunley in an eight hour day; every 85 seconds in a twenty hours work day. This would appear unfeasible.

We would like for Vulcan to respond to this statement.

2. The infrastructure carrying these trucks consist not of nine miles, but 10.5 miles of roadways-

CR 353 or 351—2.5 miles, FM 2676—3.5 miles, CR 4516—3.0 miles, CR 4643-- 1.0 and CR445—0.5 miles. These roads are not capable of carrying loads of 75,000 pounds and the upgrade costs involved, as well as the continued upkeep for 50 years, would make the project unprofitable.

3. Add in the costs of the trucks, labor, insurance, fuel, and maintenance needed to keep these trucks in operation. Again, we agree with Tom Ransdell, this type of transport would not be profitable.

4. This volume of truck traffic could not be safely shared with trucks carrying fuel and fertilizer, as well as large agricultural implements in this farming community.

5. MCEAA believes that Vulcan would not open a quarry or railroad if it knew either would not be profitable.

Vulcan has known these facts from the very beginning of this proposed project. Hence, the concept of a railroad supported quarry. This connected action has existed since day one and therefore, since the railroad has been judged to require and EIS, the entire proposed quarry must also be required to have connected action EIS. MCEAA respectfully requests the STB to fulfill its obligations, follow the law and require aconnected action EIS for the entire quarry as the only right thing to do. It is believed a thorough environmental study will disclose evidence and factors not ascertained in the EA's partial study done on a very limited portion of the quarry site.

We believe a thorough EIS on the quarry site will disclose environmental impacts that have far reaching and detrimental effects not only on Medina County but also San Antonio. This will be further discussed in the next section.

D. Depth of mining at Quarry/Size of Quarry

Since SGR acknowledges the quarry's relatedness and connection with the railroad, MCEAA offers these comments in rebuttal. MCEAA would like Vulcan to explain in detail how it plans to operate the proposed quarry. Given the location of the aquifer at the quarry site, the innumerable faults in the limestone, and the unacknowledged and ignored sink holes in the quarry site, we are unimpressed by statements that safe mining practices will insure avoidance of contact with or contamination of the aquifer with its dire consequences. Mining to a depth of 250 feet as Vulcan states would be foolhardy. But what is a safe depth to mine leaving a safe cover over the aquifer, whose configuration is more like a honeycomb than a solid slab of rock? Vulcan points to mining over the Edwards for many years without any problems, but this again is untrue. One thousand two hundred gallons of diesel fuel caused contamination of the aquifer in the Rynonobel spill in December, 1999 with resultant contamination detected later in Comal Springs, New Braunfels, Texas. Again, this issue will be discussed with TCEQ and the EAA, but it is presented to the SEA for the information. The aquifers protection if one of our biggest concerns and having been witness to Vulcan's multiple deceptions over the past five years, we remain skeptical that they can safely mine in this location.

In SGR's last statement concerning quarrying effect on the surrounding wildlife, it will be difficult, if not impossible, to convince deer hunters that their leases will be unaffected by the blasting, machinery noise, trains, lights etc. in the quarry area. We are sure Vulcan will not compensate rancher's loss of income from deer leases.

E. Water Quality Impacts of Quarry

MCEAA disagrees with SGR's opinion that water quality issues would not be affected by the connected action of the quarry. As previously noted, the entire quarry, the northern part of the connected action railroad, and the fuel storage and maintenance area are all on the Edwards Recharge Zone. Also previously noted and contrary to SGR statements, fuel storage, even in above-ground tanks with double containment, over the recharge zone is no longer permitted by the EAA.

The "minor runoff" water mentioned in this section is from the Elm and Pole Cat Creeks which run thru the middle and lower sections of the proposed quarry. What will be done with this water during 6 to 10 inch rainfalls which have happened several times in the past two decades? Will they be diverted to the west side of the quarry into a real estate subdivision? Will they be allowed to flood the quarry? Again, Vulcan chooses to make a molehill out of a mountain and portray a "no real problem" scenario to the STB. MCEAA cannot stand by and not bring these matters to the STB's attention, and not ask what will be done with the storm water. Vulcan was unable to work its quarry in Helotes Tx for 3 weeks following flooding by the Helotes Creek in 1997.

Again, to say Vulcan has "no knowledge" of recovery complaints about damage to wells secondary to blasting, is a "leap of faith" we are not willing to accept. This is especially true after listening to testimony from the townspeople of Tehuacana, Texas, about their destroyed wells.

F. Quarry Water Usage

In the connected action of the quarry water usage section, water usage is discussed. Floods and droughts are cyclical in this part of Texas and in all likelihood will be for the foreseeable future. Most farmers and ranchers in this area are dependent on irrigation from the Edwards Aquifer to

remain profitable and sustain a livelihood. With an ever growing demand from a rapidly growing population in nearby San Antonio water allocations for agriculture is under increasing pressure. After opening, this proposed quarry will require an increasing amount of water as it increases production. Vulcan should disclose the maximum amount of water it will require at the quarry's maximum production. Should this private enterprise be given special priority over existing farms and ranches? Vulcan has boasted it will become the biggest employer in Medina County if this railroad and connected action quarry become a reality. If this happens, this area will change from agricultural/residential/historical to industrial. The result will be that farms and ranches will fail. An important part of Texas and American culture will literally be covered by dust. There is only so much water in this area and another quarry and railroad are not needed as much as the farms and ranches it will destroy. Consultation between the EAA and MCEAA will occur in the near future concerning these factors.

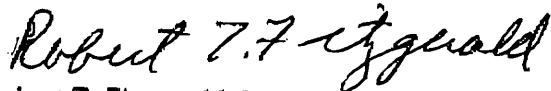
G. Other Matters

It is MCEAA's understanding that part of the STB function in this permitting process was to analyze data submitted by a reputable environmental firm, obtain comments and information from individuals and groups in the affected area and reach a decision concerning issuing a permit.

We have offered our concerns and comments which we firmly believe are valid and pertinent. For these comments to be ridiculed and called "weird" and "unprecedented" to us shows the desperation of a failing argument to try and influence the STB into somehow finding a way to save these projects. The rules are clear. Vulcan and SGR have tried to circumvent them for whatever reason--- to save money, to gain condemnation power, to obtain land not only in this endeavor but for future use. STB must uphold the law and not be misled and stampeded into making a bad decision, one that could have far-reaching future implications. Vulcan has literally wasted much of the past five years not doing the obvious and necessary research on the quarry/railroad project and now is pressuring the STB to "move forward" rapidly. MCEAA urges the STB to move forward judiciously and rule in favor of a connected action EIS of the railroad and quarry.

It is the right call.

Sincerely,



Robert T. Fitzgerald, M. D.
President,
MCEAA, Inc.

cc: U.S. Senator John Cornyn
U.S. Representative Henry Bonilla
Texas Senator Frank Madla

MCEAA, Inc., for your Home, Health, and Heritage